

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL C. MILLER,                                 :     CIVIL ACTION  
    Plaintiff,                                 :  
   :  
    v.   :  
   :  
STATE OF PENNSYLVANIA, et al., :  
    Defendants.                                 :     NO. 00-1933

MEMORANDUM ORDER

J.M. KELLY, J.

MARCH 13, 2001

Presently before the Court is the Motion to Dismiss of Defendants, County of Northampton and Northampton County Domestic Relations (collectively "Northampton"). Plaintiff, Paul C. Miller ("Miller"), filed the instant pro se Complaint and alleges that Defendants deprived him of various constitutional rights in the course of his arrest on "domestic relations charges" and his subsequent incarceration for civil contempt of court for not signing "confession forms."

In considering whether to dismiss a complaint for failing to state a claim upon which relief can be granted, a court must consider only those facts alleged in the complaint and must accept those facts as true. Hishon v. King & Spalding, 467 U.S. 69, 73 (1983). Moreover, the complaint is viewed in the light most favorable to the plaintiff. Tunnell v. Wiley, 514 F.2d 971, 975 n.6 (3d Cir. 1975). In addition to these expansive parameters, the threshold a plaintiff must meet to satisfy

pleading requirements is exceedingly low: a court may dismiss a complaint only if the plaintiff can prove no set of facts that would entitle the plaintiff to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). A complaint must, however, set forth "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

Miller states that he "holds solid proof of th[e] fact[s]," which he will present "only before the Honorable Judges of the United States District Court who retains (sic) [j]urisdiction in this matter." Plf.'s Resp. to Mot. to Dis. at 1. An exacting reading of Miller's Complaint yields little more than the facts previously set forth by the Court and several legal conclusions. Miller's Complaint does not inform Northampton why he believes he was falsely arrested, why he was entitled to counsel, why Northampton lacked jurisdiction and how he was subjected to cruel and unusual punishment. The time for a plaintiff to set forth the factual basis of a claim, to both the Court and defendants, is in the complaint. Miller cannot rely upon clandestine facts as a basis to support his Complaint.

Accordingly, the Complaint is DISMISSED. Given Miller's pro

se status, dismissal will be without prejudice and Miller is granted leave to file an Amended Complaint on or before April 13, 2001.

BY THE COURT:

---

JAMES MCGIRR KELLY, J.